

ATENT COOPERATION TRF TY

From the INTERNATIONAL BUREAU

PCT

NOTIFICATION OF ELECTION
(PCT Rule 61.2)Date of mailing (day/month/year)
04 October 2000 (04.10.00)Assistant Commissioner for Patents
United States Patent and Trademark
Office
Box PCT
Washington, D.C.20231
ETATS-UNIS D'AMERIQUE

in its capacity as elected Office

International application No.
PCT/AU00/00079Applicant's or agent's file reference
IRN 608487International filing date (day/month/year)
08 February 2000 (08.02.00)Priority date (day/month/year)
08 February 1999 (08.02.99)

Applicant

ROSSJOHN, Jamie et al

1. The designated Office is hereby notified of its election made:

 in the demand filed with the International Preliminary Examining Authority on:

04 September 2000 (04.09.00)

 in a notice effecting later election filed with the International Bureau on:

2. The election
-
- was

 was not

made before the expiration of 19 months from the priority date or, where Rule 32 applies, within the time limit under Rule 32.2(b).

The International Bureau of WIPO
34, chemin des Colombettes
1211 Geneva 20, Switzerland

Facsimile No.: (41-22) 740.14.35

Authorized officer

Charlotte ENGER

Telephone No.: (41-22) 338.83.38

ATENT COOPERATION TREATY

PCT

NOTIFICATION OF THE RECORDING
OF A CHANGE(PCT Rule 92bis.1 and
Administrative Instructions, Section 422)

Date of mailing (day/month/year)
12 September 2000 (12.09.00)

Applicant's or agent's file reference
IRN 608487
International application No.
PCT/AU00/00079

From the INTERNATIONAL BUREAU

To:

PHILLIPS ORMONDE & FITZPATRICK
367 Collins Street
Melbourne, Victoria 3000
AUSTRALIE

IMPORTANT NOTIFICATION

International filing date (day/month/year)
08 February 2000 (08.02.00)

1. The following indications appeared on record concerning:

the applicant

agent

the common representative

Name and Address

BAGLEY, Christopher, Ja
22 Cremorne Street
Fullarton, South Australia
Australia

Ave 80

2

State of Nationality	State of Residence
AU	AU
Telephone No.	
Facsimile No.	
Teleprinter No.	

2. The International Bureau hereby notifies the applicant that the following change has been recorded concerning:

the person the name the address the nationality the residence

Name and Address

State of Nationality	State of Residence
AU	AU
Telephone No.	
Facsimile No.	
Teleprinter No.	

3. Further observations, if necessary:

The status of the above applicant is that of applicant/inventor for US only.

4. A copy of this notification has been sent to:

the receiving Office

the designated Offices concerned

the International Searching Authority

the elected Offices concerned

the International Preliminary Examining Authority

other:

The International Bureau of WIPO
34, chemin des Colombettes
1211 Geneva 20, Switzerland

Facsimile No.: (41-22) 740.14.35

Authorized officer

Maria Victoria CORTIELLO

Telephone No.: (41-22) 338.83.38

PATENT COOPERATION TREATY
PCT
INTERNATIONAL PRELIMINARY EXAMINATION REPORT

REC'D 19 SEP 2000

PCT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference IRN 608487	FOR FURTHER ACTION	See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416).	
International application No. PCT/AU00/00079	International filing date (<i>day/month/year</i>) 8 February 2000	Priority Date (<i>day/month/year</i>) 8 February 1999	JC541 U 913419  08/08/01
International Patent Classification (IPC) or national classification and IPC Int. Cl. ⁷ C07K 14/715, 16/24; A61K 39/395			
<p>Applicant MEDVET SCIENCE Pty Ltd et al</p>			

1.	This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.		
2.	This REPORT consists of a total of 3 sheets, including this cover sheet. <input type="checkbox"/> This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).		
3.	These annexes consist of a total of sheet(s).		
3.	This report contains indications relating to the following items:		
I	<input checked="" type="checkbox"/> Basis of the report		
II	<input type="checkbox"/> Priority		
III	<input type="checkbox"/> Non-establishment of opinion with regard to novelty, inventive step and industrial applicability		
IV	<input type="checkbox"/> Lack of unity of invention		
V	<input checked="" type="checkbox"/> Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement		
VI	<input type="checkbox"/> Certain documents cited		
VII	<input type="checkbox"/> Certain defects in the international application		
VIII	<input type="checkbox"/> Certain observations on the international application		

Date of submission of the demand 4 September 2000	Date of completion of the report 7 September 2000
Name and mailing address of the IPEA/AU AUSTRALIAN PATENT OFFICE PO BOX 200, WODEN ACT 2606, AUSTRALIA E-mail address: pct@ipaaustralia.gov.au Facsimile No. (02) 6285 3929	Authorized Officer K. LEVER Telephone No. (02) 6283 2254

I. Basis of the report

1. With regard to the elements of the international application:*

the international application as originally filed.

the description, pages , as originally filed,
 pages , filed with the demand,
 pages , received on with the letter of

the claims, pages , as originally filed,
 pages , as amended (together with any statement) under Article 19,
 pages , filed with the demand,
 pages , received on with the letter of

the drawings, pages , as originally filed,
 pages , filed with the demand,
 pages , received on with the letter of

the sequence listing part of the description:
 pages , as originally filed
 pages , filed with the demand
 pages , received on with the letter of

2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.
These elements were available or furnished to this Authority in the following language which is:

the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
 the language of publication of the international application (under Rule 48.3(b)).
 the language of the translation furnished for the purposes of international preliminary examination (under Rules 55.2 and/or 55.3).

3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, was on the basis of the sequence listing:

contained in the international application in written form.
 filed together with the international application in computer readable form.
 furnished subsequently to this Authority in written form.
 furnished subsequently to this Authority in computer readable form.
 The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
 The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished

4. The amendments have resulted in the cancellation of:

the description, pages
 the claims, Nos.
 the drawings, sheets/fig.

5. This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).**

* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17).

** Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims 1-23	YES
	Claims	NO
Inventive step (IS)	Claims 1-23	YES
	Claims	NO
Industrial applicability (IA)	Claims 1-23	YES
	Claims	NO

2. Citations and explanations (Rule 70.7)

Citations:

D1: AU 15366/97

D2: Bagley CJ

D3: Woodcock JM

Explanations: The aim of the current application is to find a simultaneous antagonist of GM-CSF, IL-3 and IL-5, where all three act through a common receptor subunit (β c).

Communal subunits cannot bind to cytokines by themselves thus finding structural data on the binding site is difficult. To overcome this problem the applicants have developed a monoclonal antibody against a region, which is important for cytokine binding within domain 4 of the common beta chain. The applicants can now crystallise the binding site and determine the structure of the D4 β c domain of the receptor bound to an antagonist.

D1 describes a compound or agent that binds to the cytokine receptor of F'-G' loop of Domain 4 of the β c chain receptor for GM-CSF, IL-3, IL-5. This differs from the current application, which defines the actual binding domain, not the agent that binds to it.

D2 This document reviews the work on cytokines to date and suggests that the B'-C' and F'-G' loops in the fourth domain are involved in ligand recognition and binding. It recognises the major role taken by the tyrosine residues in these domain 4 loops. It does not however disclose the binding domain of the current application.

D3 This document discusses the importance of the F'-G' loop but not the binding domain of the current application.

Therefore, it is considered the claims of the current application are novel, inventive and industrial applicable.